

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 AARON D. WEGNER (CABN 243809)
Assistant United States Attorney

5 1301 Clay St., 3rd Floor
6 Oakland, California 94612
7 Telephone: (510) 637-3740
Fax: (510) 637-3724
E-Mail: aaron.wegner@usdoj.gov

8 Attorneys for the United States

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. 4-13-70490-MAG
14 Plaintiff,) [PROPOSED] ORDER AND
15 v.) STIPULATION FOR CONTINUANCE
16 MIGUEL ANGEL NUNEZ,) FROM MAY 21, 2013 TO JUNE 18, 2013
17 Defendant.) AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION
18 (18 U.S.C. § 3161(h)(8)(A)) AND
WAIVING TIME LIMITS UNDER RULE
5.1

19 An arraignment or preliminary hearing is currently scheduled in the case on May 21,
20 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the
21 Court enters this order scheduling an arraignment or preliminary hearing date of June 18, 2013 at
22 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the
23 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
24 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 21, 2013 to June 18, 2013. The
25 parties agree, and the Court finds and holds, as follows:

- 26 1. The defendant has been released on a bond.
27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
28 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's interest for the United States to indict the
6 case during the normal 21-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from May 21, 2013 to
11 June 18, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18
12 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on June 18, 2013, at 9:30 a.m., and (2) orders that
15 the period from May 21, 2013 to June 18, 2013, be excluded from the time period for
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18

19 IT IS SO STIPULATED:

20

21 DATED: May 10, 2013

/s_____
JEROME MATTHEWS
Attorney for Defendant

22

23

24 DATED: May 10, 2013

/s_____
AARON D. WEGNER
Assistant United States Attorney

25

26

27 IT IS SO ORDERED.

28 DATED: 5/13/13

Kandis Westmore
HON KANDIS A . WESTMORE
United States Magistrate Judge